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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Billed Party Preference for)
InterLATA 0+ Calls)

CC Docket No. 92-77

**OPUS CORRECTIONAL, INC.
PETITION FOR WAIVER**

Opus Correctional, Inc. ("Opus") by its undersigned counsel, hereby requests a waiver of the July 1, 1998, implementation date of Sections 64.703 and 64.710 of the Commission's Rules, which requires the provision of on-demand rate information for non-access code calls. Opus requests the Commission to extend the time in which such rate information must be provided to October 1, 1999, the date by which Operator Service Providers ("OSPs") that rely on store and forward technology must comply with these same rules.

I. INTRODUCTION

Although Opus has diligently attempted to comply with the implementation date set by the Commission's Order,¹ with the deadline rapidly approaching, Opus has determined that it will not be able to conform its systems to provide real-time rate quotes by July 1, 1998. As the industry unanimously informed the Commission during this proceeding, no technology currently exists to provide such real-time rate information, and Opus has been unable to modify its software in the short timeframe required by the Commission's Order. Moreover, once the software has been appropriately modified, Opus will need additional time for implementation and testing to ensure that the software

¹ See *Billed Party Preference for InterLATA 0+ Calls*, Second Report and Order and Order on Reconsideration, CC Docket No. 92-77, released January 29, 1998 ("Order").

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works properly and does not disrupt its network. Accordingly, Opus requests a waiver to extend the implementation date to October 1, 1999. Although Opus will diligently attempt to implement these new requirements prior to that date, the extension of time is essential to permit Opus to develop, implement and test the technology necessary for complying with the Commission's rules.

II. GOOD CAUSE EXISTS TO GRANT OPUS' WAIVER REQUEST

Section 1.3 of the Commission's rules, 47 C.F.R. §1.3, provides that the Commission may waive any provision of its rules "if good cause therefor is shown." In addition, the Commission, in its Order, specifically anticipated that waivers may be justified. As the Commission stated, "we are prepared to consider waiver requests on a specific factual showing of good cause."² In this instance, Opus has good cause to justify an extension of the July 1, 1998 deadline to provide on-demand rate quotes to their customers. Although Opus has made diligent efforts to develop the necessary technology to provide the required on-demand rate quotes, the Commission's Order require the engineers at Opus to make substantial modifications to the software currently used to operate Opus' system. The five months permitted by the Commission's Order is not sufficient for the vast amount of work necessary to make numerous modifications to the software, not to mention the needed implementation and testing required to ensure consumers are not inconvenienced or inhibited from completing non-access calls. Accordingly, an extension of time is essential.

A. The Applicants' Networks Are Unable to Quote Rates on a Real-Time Basis

The Commenters in this proceeding were in agreement that no technology currently exists to provide on-demand rate disclosure on non-access operator service calls. Commenters were in further agreement that due to the absence of existing technology it would take substantial time to develop

² Order, at ¶ 27.

and implement such technology. Opus is no exception to this rule. Opus' networks currently lack the ability to provide on-demand rate quotes and the development of such technology will not be completed for a number of months.

Opus provides pay telephones to various prison systems, which are used mainly for the purposes of making collect calls. Opus' systems, therefore, must be able to provide a rate quote to the called party, to enable that party to determine whether to accept the call. Opus operates various types of automated collect call operator systems for inmate calling services, but all three process collect calls from inmates in a similar manner.

There are two main components of the automated collect call operator system. First, there is a call processing server ("the OTSER"), which runs on a computer, either at the prison facility or at a central location. The OTSER provides the interface to the inmate and call record database on the computer and to the LocTel fraud control services on the Opus servers. To retrieve rate information, the call will have to be processed from the OTSER to the Opus servers, which will provide the OTSER with proper rate information. Accordingly, the current software used to operate the OTSER needs to be modified to permit the OTSER to retrieve rates.

Second, each prison is equipped with Trunk Management Unit ("TMU"), which provides call switching from the inmate telephones to the outbound trunks. Each TMU is equipped with an automated operator program, which contains a processor, flash ROM and local or wide area network connection to the computer. This automated operator program will be used to retrieve the rates from the OTSER and transmit the rates to the called party. The current software used on the TMU also needs to be modified to enable it to retrieve and transmit the rate information.

In short, to be able to provide on-demand rate quotes, the following modifications will need

to be made to Opus' current systems:

- (1) The software currently used on the OTSER must be modified to allow it to send commands to the automated operator program, to play the message providing the called party with instructions for obtaining call rating information;
- (2) The software currently used on the OTSER must be modified to allow it to send the appropriate rate information to the automated operator program;
- (3) The software on the automated operator programs must be modified to play the instructions to the called party;
- (4) The software on the automated operator programs must be modified to process the response from the called party and to request the rating information from the call processing server;
- (5) The software on the automated operator programs must be modified to play the call rating information to the called party and to inform the inmate that the call is being processed.
- (6) The appropriate voice messages must be recorded in English and Spanish and must be conformed to the proper format for the automated operator program.
- (7) The software on both on the automated operator programs and the call processing server must be modified to be able to inform the called party if the inmate disconnects prior to call acceptance.

Although engineers at Opus are diligently working to perfect the necessary modifications, the substantial changes that need to be made require additional time. Moreover, once the software is appropriately modified, Opus will need additional time to test the software to ensure that it works effectively without causing disruption to the networks or end users. Accordingly, the necessary modification to the current systems and full deployment of workable software throughout the network could likely take nine months to a year, barring any further unforeseen problems.

B. A Waiver of a Period of Fifteen Months is Reasonable

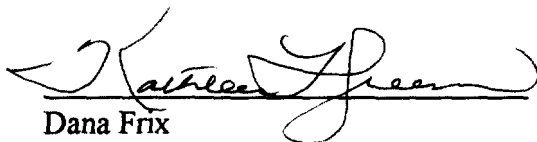
Because of these technical limitations to its implementing on-demand rate quotes on a real-

time basis, Opus respectfully requests a waiver to permit the implementation of the new rules no later than October 1, 1999. An additional fifteen months is a reasonable extension that will ensure that Opus is able to develop the appropriate technology necessary to comply with the Commission's rules. Moreover, the Commission has already permitted some OSPs such an extension. In its Order, the Commission ruled that OSPs using embedded store and forward equipment will be permitted an additional fifteen months to modify or replace their equipment.³ Because the technical hurdles faced by Opus are no less complex than those faced by store and forward OSPs, the Applicants should receive a similar waiver. However, Opus will continue to work to develop a solution as soon as possible.

III. CONCLUSION

For the reasons stated above, Opus requests the Commission to grant a waiver extending the time to comply with the Commission's requirement that it provide on-demand rate disclosure for non-access code calls to October 1, 1999.

Respectfully Submitted,



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June 26, 1998

³ Order, at ¶ 27.

CERTIFICATE OF SERVICE

I, Wendy Mills, do hereby certify that on this 26th day of June, copies of the Petition for Waiver were sent via hand delivery (*) or first-class mail, postage prepaid, to the following:

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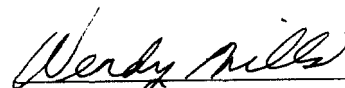
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